

SEYFARTH  
SHAW

Writer's direct phone  
(212) 218-5291  
Writer's e-mail  
jegan@seyfarth.com

USDC SDNY  
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Seyfarth Shaw LLP  
620 Eighth Avenue  
New York, New York 10018  
(212) 218-5500  
fax (212) 218-5528  
www.seyfarth.com

June 21, 2017

**VIA ECF**

Hon. John G. Koeltl  
United States District Court Judge  
Courtroom 12B  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl St.  
New York, NY 10007-1312

1. Time to respond to the  
Complaint extended to August 10, 2017.  
2. Conference adjourned  
8/11/17 at 2:30 P.M.  
So ordered  
J.G. Koeltl

Re: **American Council of the Blind et al. v. Keenwawa, Inc.**  
**Civil Action No.: 17-cv-2096 (JGK)**  
**Request for Extension of Defendant's Deadline to Respond to Complaint and**  
**Continuance of Initial Pre-Trial Conference**

Dear Judge Koeltl:

This firm represents Defendant Keenwawa, Inc. ("Defendant") in the above-referenced matter. We write to respectfully request an extension of time for Defendant to respond to the Complaint, as well as to reschedule the forthcoming Rule 16 initial conference. Plaintiffs consent to this application because the parties are optimistic that a settlement of this matter can be reached.

By way of background, Plaintiffs filed the Complaint on March 23, 2017 (ECF No. 1). The case concerns the accessibility of Defendant's self-service technology-based food ordering and pick up process to the blind Plaintiffs and whether it violates Title III of the ADA and New York State and City non-discrimination laws. Defendant waived service of the Summons and Complaint under Fed. R. Civ. P. 4, and Plaintiffs filed the executed waiver (ECF No. 6) under which Defendant's response was due on May 26, 2017. On April 6, 2017, the Court ordered the parties to attend a Rule 16 pre-trial conference on May 2, 2017 (ECF No. 5).

On April 28, 2017, the parties submitted a joint letter advising the Court that they had entered into a structured negotiations agreement and accordingly requested an adjournment of the Rule 16 conference (ECF No. 7). The Court granted this request and adjourned the conference to July 5, 2017 (ECF No. 8). On May 24, 2017, Defendant submitted a letter to the Court, with Plaintiffs' consent, requesting a thirty (30) day extension of time for Defendant to respond to the Complaint, up to and including June 26, 2017, in order to allow the parties to focus their attention



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and resources on exploring a non-litigated resolution of this matter through the structured negotiation process (ECF No. 9). The Court granted this request on May 26, 2017 (ECF No. 10).

Since then, the parties have made progress in their settlement discussions through the structured negotiation process, and both sides are optimistic regarding the prospects for a non-litigated resolution. In addition to numerous email communications, the parties had a substantive telephonic negotiation session on May 10, 2017, and met in person for a second structured negotiation session on May 23, 2017. On June 6, 2017, Defendants provided Plaintiffs with an outline of a settlement proposal that incorporated the concepts discussed by the parties at their May 23, 2017 in-person meeting. On June 7, 2017, the parties conducted a third telephonic structured negotiation session during which they discussed Defendant's settlement proposal. Because a resolution requires confirmation of certain technology-related issues/limitations with a third party, the parties have had to push back their next telephonic structured negotiation session to June 21, 2017 as they seek further information from outside sources.

In light of the parties' continued progress towards settlement, we respectfully request, with Plaintiffs' consent, that: (1) Defendant's deadline to respond to the Complaint be extended by forty-five (45) days, up to and including August 10, 2017; and (2) the Rule 16 initial conference presently scheduled for June 7, 2017 be adjourned and re-scheduled for the week of August 14, 2017.

This is the second such request for an extension of these dates, and it is being made in good faith and not to cause undue delay. The reason for this request is to allow sufficient time to conclude the structured negotiations process, resulting in a successful resolution of this matter.

We thank the Court for its time and consideration of this request.

Respectfully submitted,

SEYFARTH SHAW LLP

/s/ John W. Egan

John W. Egan

cc: All counsel of record (via ECF)